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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,358	12/10/2001	Walter Rosenbaum	2000P22685	1666

466 7590 08/14/2006

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EXAMINER

GREIMEL, JOCELYN

ART UNIT PAPER NUMBER

3693

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/006,358

Applicant(s)

ROSENBAUM ET AL.

Examiner

Jocelyn Greimel

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This communication is in response to Applicant's application filed December 10, 2001 which claims foreign priority of 100 61 508.2 (Germany) filed December 09, 2000. Claims 1-2 are being examined.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koreeda (US Patent No. 5,890,137), and further in view of Hennig et al (US Patent No. 6,587,827, hereinafter Hennig).**

5. In reference to claim 1, Koreeda discloses a method of ordering and dispatching articles, in which the purchaser sends a purchase order via an electronic network to an online provider, who registers and stores the purchase order, comprising the steps: transmission of an order by the online provider in accordance with the purchase order, via an electronic network, to one or more manufacturers or suppliers, in which a service center is specified as the delivery location; dispatch to the service center (col. 2, lines 30-67; col. 3, lines 1-59; col. 5, lines 38-67; col. 6, lines 1-67; col. 7, lines 1-2; col. 10, lines 16-33; col. 11, lines 1-13; Fig. 1, 3).

6. Koreeda does not disclose: a data for a code for identifying the purchase order; production and/or provision of the article or articles ordered in neutral packaging, provided with the code, sending an instruction to print one or more labels of the online provider with the recipient address, if required an invoice, a delivery note and letters, of information documents and of packaging paper in the online provider layout, via an electronic network, to a print center as a constituent part of the service center, in accordance with the purchase order, with the digital data needed for this purpose and with digital data for the code for identifying the purchase order; combining the article or articles in the service center with the associated printed-out documents in accordance with the code, preparation for dispatch in the online provider layout and dispatch of the package or packages from the service center to the purchaser.

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7. Hennig discloses: a data for a code for identifying the purchase order; production and/or provision of the article or articles ordered in neutral packaging, provided with the code, sending an instruction to print one or more labels of the online provider with the recipient address, if required an invoice, a delivery note and letters, of information documents and of packaging paper in the online provider layout, via an electronic network, to a print center as a constituent part of the service center, in accordance with the purchase order, with the digital data needed for this purpose and with digital data for the code for identifying the purchase order; combining the article or articles in the service center with the associated printed-out documents in accordance with the code, preparation for dispatch in the online provider layout and dispatch of the package or packages from the service center to the purchaser (col. 6, lines 4-46; col. 7, lines 8-16). It would have been obvious to one skilled in the art at the time of the invention to use the code and packaging system of Hennig with the ordering and distribution system of Koreeda. Using the code and packaging system of Hennig would speed the processing system and decrease the amount of distribution errors in the shopping process.

8. In reference to claim 2, Hennig discloses the method of ordering and dispatching articles with a code belonging to the purchase order being applied machine-readable form and/or in a form that can be read by a person to the envelope with the printed documents and the neutral dispatch packaging from the manufacturer/supplier (col. 2, lines 11-64; col. 7, lines 8-15).


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached at (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel  
Examiner, Art Unit 3693  
August 1, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER